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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 638,478	08 14 2000	Garrett Wade Hoehn	DP-302554	9671

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EXAMINER

LEE, KYUNG S

ART UNIT PAPER NUMBER

2832

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/638,478

Applicant(s)

HOEHN, GARRETT WADE

Examiner

Richard K. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4, 9-11, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) 5-7, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 14 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The following Office Action is in response to Argument/Amendment filed August 2, 2001 and February 6, 2002. Applicant has canceled claim 8. Claims 1-7 and 9-15 are pending.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9-11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima et al. (5,192,940) in view of Black, III (5,229,741).

Yajima et al. teaches an electrical resistor assembly affixed to a blower casing of a blower motor (see figs. 10-12), the assembly comprising:

a connector 9;

a heat dissipater 7;

a housing 5 holding the dissipater 7 and the connector 9 (see fig. 11);

the housing 5 including at least one catch 54 for fixedly attaching the assembly to the casing 19A (fig. 11 and col. 6, line 38); and

the housing 5 including at least one break-away element 58 (see fig. 12) for providing access to the catch.

Yajima et al. teaches the claimed invention except for a seal between the assembly and the casing. Black, III teaches an electrical resistor assembly having a seal 154 (see fig. 5 and col. 11, line 24) between the assembly 10 and the casing 18 to provide airtight seal (col. 11, line 25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the resistor assembly of Yajima et al. with the seal taught by Black, III, since the seal of Black, III would provide the resistor assembly and the casing of Yajima et al. with an airtight seal.

Regarding claim 2, Yajima et al. teaches a connector 51 for connection.

Regarding claim 3, Yajima et al. teaches the breakaway element 58 with a notch (notch shown in fig. 12 of Yajima et al.).

Regarding claim 4, the element 58 has a tab (also fig. 12).

Regarding claim 9, see fig 12 of Yajima et al. of opposing catches.

Regarding claim 10, Yajima et al. teaches the breakaway element 58 with a notch (notch shown in fig. 12 of Yajima et al.).

Regarding claim 11, the element 58 has a tab (also fig. 12).

Regarding claims 14 and 15, steps for removing as claimed are deemed obvious in view of the functions of the structure in the combination discussed above. Removal of Yajima et al. would involve breaking a portion of the assembly ... and retracting the assembly may involve a use of a tool.

#### ***Allowable Subject Matter***

3. Claims 5-7 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5 and 12 recite that the housing has a groove for a seal to be disposed therein. The groove, on the housing, traverses a notch formed on the at least one breakaway element.

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Such structure is neither disclosed nor suggested by the prior art of record. Claims 6-7 and claim 13 depend on claim 5 and claim 12, respectively.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Iwao discloses a resistor device for blower motor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard K. Lee whose telephone number is (703) 306-9060. The examiner can normally be reached on Mon. to Thur. 5:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (703) 308-7619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Richard K. Lee  
Examiner  
Art Unit 2832

